

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

GREG ABBOTT, in his capacity as
GOVERNOR OF THE STATE OF TEXAS,
and THE STATE OF TEXAS,

Defendants.

Case No. 1:23-cv-00853-DAE

**PLAINTIFF UNITED STATES' CONSENT MOTION FOR LEAVE TO
AMEND ITS COMPLAINT**

Pursuant to Federal Rules of Civil Procedure 7 and 15(a)(2), Plaintiff, the United States of America, hereby moves for leave to file an amended complaint. The proposed amended complaint seeks to add one treaty claim and does not amend the statutory claim in the Complaint. Counsel for the United States conferred with counsel for Defendants regarding this Motion, who represented that Defendants consent to the United States' amending its complaint provided that the United States consents to a 30-day extension of Defendants' time to respond to the amended complaint under Federal Rule of Civil Procedure 15(a)(3). The United States consents to Defendants' requested 30-day extension.

The grounds to support this motion are as follows:

1. The United States filed its Complaint in this matter on July 24, 2023. ECF 1.
2. On August 14, 2023, this Court granted Defendants' unopposed motion to stay their deadline to respond to the United States' Complaint until the earlier of 30

days after the Court ruled on the United States' Motion for a Preliminary Injunction or November 1, 2023. ECF 28.

3. On September 6, 2023, the Court granted the United States' motion for a preliminary injunction, ECF 50, making Defendants' response to the currently operative Complaint due October 6, 2023.
4. No scheduling order pursuant to Rule 16(b) has yet been issued in this action.
5. Rule 15(a)(2) governs amendment of pleadings prior to the issuance of a scheduling order and provides that "a party may amend its pleading ... with the opposing party's written consent." Fed. R. Civ. P. 15(a)(2).
6. Undersigned counsel has conferred with counsel for Defendants who represented Defendants consent to the United States' filing an amended complaint, provided that the United States consents to a 30-day extension of the time provided for Defendants to file an answer or other responsive pleading to the amended complaint under Federal Rule of Civil Procedure 15(a)(3).
7. Local Civil Rule CV-15 provides that any party "that is entitled to amend its pleadings as a matter of course pursuant to Federal Rule of Civil Procedure 15 may do so without the necessity of filing a motion for leave to amend." W.D. Tex. R. CV-15(b). The United States is filing this motion in order to note Defendants' consent to the amended pleading, and to request the extension of time for a responsive pleading on which Defendants' consent is premised.
8. Accordingly, the United States respectfully requests leave to file the attached amended complaint, Ex. 1. Additionally, the United States respectfully requests

that Defendants' time to answer or otherwise respond to the amended complaint under Federal Rule of Civil Procedure 15(a)(3) be extended by 30 days.

9. The United States has attached both a clean (Ex. 1) and redlined (Ex. 2) version of the proposed amended complaint.
10. A proposed order is attached for the Court's convenience.

Respectfully submitted,

Dated: September 28, 2023

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CERTIFICATE OF SERVICE

I certify that on September 28, 2023, a copy of this filing was served on all counsel of record using this Court's electronic filing system.

/s/ Andrew D. Knudsen
Andrew D. Knudsen